

**EXHIBIT I**



**CARTER FULLERTON & HAYES, LLC**

ATTORNEYS AT LAW

October 28, 2011

Via First U.S. Class Mail  
Office of the General Counsel  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580

**FREEDOM OF INFORMATION ACT APPEAL**  
Re: FOIA 2011-00960

To Chief FOIA Officer:

This is an appeal concerning the Federal Trade Commission's (hereinafter the "FTC") refusal to disclose certain documents with in the agency's control and the FTC's failure to respond to the above-captioned request in a timely and complete manner. The requested documents were sought in a FOIA request dated May 20, 2011. A final response was not received by this office until September 30, 2011 and only after repeated attempts by the undersigned to prod the agency into meeting its FOIA obligations. The FTC's refusal to disclose the requested items violates 5 U.S.C. § 552.

By this letter I am making an appeal in response to the FTC's denial of portion of the FOIA request. Because my clients believe the requested documents are not exempt from disclosure, nor do they desire additional litigation with the FTC, we request that the Chief FOIA Officer reverse the denial of the FIOA request and waive all associated fees. If any portions of the requested documents are withheld, the Chief FOIA Officer should describe the deleted materials in detail and specify the specific statutory basis for the denial as well as the agency's reasons for believing that the alleged statutory justification applies in this instance.

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It certainly appears that the Agency has failed to meet its FOIA obligation and has acted in an arbitrary and capricious manner. It essentially took the agency four months to disclose documents that clearly already are publically available and a small handful of emails. While this office has sued the FTC is past, my clients do not seek additional litigation rather they seek proper and timely disclosure. If this appeal is denied or the FTC's response is less than forthcoming, my clients reserve their rights under FOIA to seek immediate judicial review. It would appear from our prospective that the best use of all the parties' resources would be to avoid another lawsuit. The FTC's delay and limited responses to these FOIA requests however engenders little confidence that the agency is complying. Or even attempting to comply, with the statute.

I thank you in advance for your prompt reply.

Sincerely yours,  
Carter, Fullerton & Hayes, LLC



John Laughlin Carter